

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAIMLER AG, a German corporation,

Plaintiff,

v.

A-Z WHEELS LLC d/b/a USARim.COM,
et al.,

Defendants.

Case No.: 16-CV-875-JLS (MDD)

**ORDER GRANTING JOINT
MOTION FOR ENTRY OF
STIPULATION OF VOLUNTARY
DISMISSAL OF CERTAIN CLAIMS**

(ECF No. 136)

Presently before the Court is the Parties' Joint Motion for Entry of Stipulation of Voluntary Dismissal of Certain Claims ("Joint Mot.," ECF No. 136). Good cause appearing, the Court **GRANTS** the Joint Motion, pursuant to which the Parties have stipulated to the dismissal of the claims in the present action as to certain trademarks and design patents, as follows:

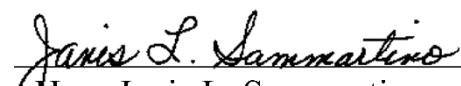
1. Plaintiff Daimler AG ("Daimler") agrees to the voluntary dismissal of claims related to the following trademarks in the present action: MERCEDES-BENZ GENUINE PARTS, U.S. Reg. No. 3,259,691; MERCEDES BENZ & Design, U.S. Reg. 285,557; AMG & Design, U.S. Reg. 3,305,055; AMG & Design, U.S. Reg. 1,807,353; MERCÉDES, U.S. Reg. No. 41,127; SL 63, U.S. Reg. No. 2,909,827; CLS 500, U.S. Reg. No. 4,076,271; CLS 550, U.S. Reg. No.

1 3,224,584; CLS 63, U.S. Reg. No. 3,039,265; S-CLASS, U.S. Reg. No.
2 2,716,842; and S 550, U.S. Reg. No. 2,654,240 (collectively, the “Dismissed
3 Trademarks”).

4 2. Daimler agrees to the voluntary dismissal of claims related to the following
5 design patent in the present action: U.S. Design Patent No. D532,733 (the
6 “D733 Patent”).
7 3. The Entity Defendants and Rasool Moalemi hereby acknowledge Daimler’s
8 federally registered and/or common law rights in the Dismissed Trademarks,
9 and Daimler’s rights in and to the ’D733 patent, and agree not to infringe any
10 of those rights.
11 4. This Stipulation shall not affect any of the remaining claims by or against
12 Defendant Rasool Moalemi and/or the Entity Defendants, nor any defenses to
13 any claims by or against Defendant Rasool Moalemi and/or the Entity
14 Defendants.
15 5. This dismissal is without an award of attorneys’ fees, interest, or costs to any
16 party as between Daimler, Defendant Rasool Moalemi, and the Entity
17 Defendants, as each side will bear its own attorneys’ fees and costs.
18 6. The dismissal shall not relieve Defendant Rasool Moalemi or the Entity
19 Defendants of their obligations to Daimler pursuant to the Court’s Order dated
20 April 23, 2018, awarding Daimler its attorneys’ fees and costs related to
21 Defendants’ discovery violations (*see* ECF No. 84).

22 **IT IS SO ORDERED.**

23 Dated: August 25, 2021


24 Hon. Janis L. Sammartino
25 United States District Judge